IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.14982-M of 2007

Date of Decision: 23.7.2007

Kuldeep ....Petitioner.

Versus

State of Haryana. ...Respondents.

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Present:- Mr.Akshay Bhan, Advocate
for the petitioner.

Mr. Vikas Chaudhary, AAG Haryana.

S.S.SARON, J.(ORAL)

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This petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to the petitioner in case FIR No.458 dated 11.12.2006 registered at P.S.Gharaunda, District Karnal, for the offences under Sections 279,337,308,34 IPC.

The FIR aforesaid has been recorded on the statement of Raj Kumar who is the driver of a Tempo vehicle and had witnesses the accident in question on the main G.T.Road. On 10.12.2006 at about 6:15 p.m. a boy of the village of the informant Raj Kumar namely Ram Parkash alias Ram Pal while paddling his bicycle and was crossing the GT Road from the Railway Station side. He had almost crossed the road when the car of the petitioner came from Panipat side and struck against Ram Parkash who sustained injuries. The driver and one more person was travelling in the car. They took Ram Parkash in an injured condition towards Karnal. The informant Raj Kumar went towards his village. When he reached at a distance of about one kilometer towards Karnal, he saw that Ram Parkash

was lying in an unconscious state on the main road. He was taken to Government Hospital, Gharaunda, where he was given first aid. The petitioner was the driver of the car and he along with another person it has been alleged after striking the bicycle of Ram Parkash took him in their car for some distance in order to get him hospitalised and thereafter left him on the main road in an unconscious state.

In the peculiar facts and circumstances, as an interim measure vide order dated 16.3.2007 it was ordered that the petitioner in the event of his arrest shall be admitted to bail on his furnishing personal bond and surety to the satisfaction of the Arresting/Investigating Officer. The case was taken up on 17.4.2007 and learned counsel for the State submitted that the petitioner was not disclosing the name of the co-passenger who was with him in the car when the accident had occurred. It is re-iterated by learned counsel for the State that the petitioner is not cooperating with the investigation and is not disclosing the name of his co-passenger who was travelling with him in the car when the accident occurred.

Learned counsel for the petitioner has vehemently argued that no person was travelling in the car with the petitioner when the alleged accident occurred. Besides, the petitioner has all along co-operated in the investigation of the case by the police.

After giving my thoughtful consideration to the matter, it may be noticed that as per the prosecution case the petitioner was driving the car which struck against the bicycle of Ram Parkash who was injured. At that time another associate was with him in the car. The injured was taken towards Karnal side in order to get him hospitalised but he was left on the

main road after covering some distance after Gharaunda. As per the statement of Raj Kumar informant, he had seen the driver and another person in the car when the accident took place.

In the facts and circumstances, custodial interrogation of the petitioner would be necessary to ascertain the factual position and also as regard the fact whether there was any other associate along with the petitioner when the accident had occurred. The injured Ram Parkash, it is stated by learned counsel for the State is not in a position to state anything except to utter his name. Therefore, this aspect as to whether there was any one else with the petitioner when the accident had occurred cannot be ascertained from him.

Keeping in view the aforesaid facts and circumstances, no ground for the grant of pre-arrest bail is made out and the criminal miscellaneous petition is dismissed.

(S.S.SARON)
JUDGE

July 23, 2007.
Reema